

REDACTED

MINUTES  
WBWWA Executive Committee  
MARCH 22, 1995  
OLYMPIA, WASHINGTON

President Ford Kiene called the WBWWA Executive Committee Meeting to order at 10:00 am. Executive Committee members attending were: Mark Miller, Ford Kiene, Bob Stevens and Mike Hewitt. WBWWA staff members attending were: Phil Wayt, Dick Ducharme and attorney Bob Baronsky. Also sitting in were Larry Buerstatte and Dan Levine from K & L Distributors in Seattle.

Ford Kiene called on Phil Wayt to review recent actions at the Washington State Liquor Control Board relative to price posting. Mr. Wayt explained that he had been called by Liquor Board staff and subsequently a meeting was held with Board members, staff and Phil Wayt and Bob Baronsky. He went on to explain that the Assistant Attorney General who represented the Liquor Control Board had been contacted by another Assistant Attorney General in a different department, who had been contacted by winery owner and restaurateur Peter Dow.

She explained that Peter Dow said he had retained legal counsel and hired an economist and they were seriously considering suing the Washington State Liquor Control Board over the price posting issue.

Phil Wayt reported that Liquor Board Chairman Joe McGavick explained he was very concerned about this potential suit, knowing that when the Oregon Liquor Control Commission lost their price posting litigation, Oregon had an approximately \$900,000.00 legal bill over the case.

Mr. Wayt explained that during the meeting at the Liquor Board,

Mr. Wayt said at the end of the meeting all parties had agreed to keep in communication about the potential lawsuit. The Liquor Board personnel said a meeting might be set up in the near future with Peter Dow to discuss his potential lawsuit. It was also the opinion of both Assistant Attorneys General at the meeting that Peter Dow was indeed serious about this potential litigation.

For the Executive Committee members attorney Bob Baronsky reviewed his research on Washington's price posting statute and regulation. He reaffirmed his position that Washington's regulations are defensible and he again pointed out the difference between Washington and previous Oregon regulations.

C. Mitchell  
77  
DEP EXHIBIT  
CAROL PRANTE  
NOTARY PUBLIC  
6-2705

PLAINTIFF'S EXHIBIT	
CASE NO.	CV04-0360P
EXHIBIT NO.	125

WBW 008585

At this time Mr. Wayt said yesterday he had been called by Carter Mitchell, the Public Information Officer for the Washington State Liquor Control Board on the price posting issue. Mr. Wayt reported that Mr. Mitchell said the Board wanted to consider the possibility of putting the existing price posting regulations, or portion thereof, into statute. Mr. Mitchell said this would be possible in House Bill 1060 which is currently being considered in the legislature relative to licensing at the Board. Mr. Wayt reported that he would take this potential move to the WBWWA Executive Committee for discussion. Mr. Mitchell said the Board feels postings will be much more defensible if actually in statute.

Discussion continued at length with the Executive Committee members and Dick Ducharme about the potential of including the price posting regulations in the Liquor Board bill and the potential effect on the price posting process. It was the opinion of Association counsel Bob Baronsky that if price postings could be added to statute it would be much more defensible if there were a lawsuit anytime in the future. Dick Ducharme agreed and said that the Association should take advantage of this opportunity which had the blessing of the Liquor Control Board.

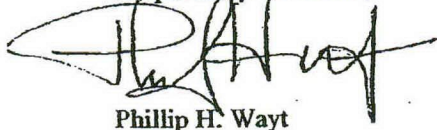
Mr. Levine voiced his opinion that if the Association felt the existing price posting process and regulations were defensible and that if there was the opportunity to actually put them in law, he would support the existing system and the opportunity to add current regulations to statute.

Following extensive discussion, Mark Miller moved that because adding existing price posting regulations to law was consistent with the existing Association position supporting price postings, we support the Washington State Liquor Control Board's action to add existing price posting WAC's to statute, if, in the judgement of Phil Wayt and Dick Ducharme eventual passage and enactment into law is possible. Ford Kiene seconded and all Executive Committee members in attendance voted in favor.

Phil Wayt said he would immediately try to organize another meeting with Dick Ducharme and Bob Baronsky with Liquor Control Board members to express our support for this effort.

There being no further business the meeting adjourned at 11:15 am.

Respectfully submitted,



Phillip H. Wayt

WBW 008586